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SCSL-03-01-T
(16721-16722)



16721

SPECIAL COURT FOR SIERRA LEONE

TRIAL CHAMBER II

Before: Justice Teresa Doherty, Presiding Judge
Justice Richard Lussick
Justice Julia Sebutinde
Justice El Hadji Malick Sow, Alternate Judge

Registrar: Herman von Hebel

Case No.: SCSL03-1-T

Date: 14 April 2008

VINCENT TISTEKWA
H. von Hebel
09:00

PROSECUTOR

v.

Charles Ghankay TAYLOR

DECISION ON CONFIDENTIAL AND URGENT DEFENCE MOTION TO RESCIND OR VARY PROTECTIVE MEASURES FOR PROSECUTION WITNESS TF1-334

Office of the Prosecutor:

Brenda J. Hollis
Kirsten Keith
Leigh Lawrie

Defence Counsel for Charles G. Taylor:

Courtenay Griffiths, Q.C.
Terry Munyard
Andrew Cayley
Morris Anyah

TRIAL CHAMBER II ("Trial Chamber") of the Special Court for Sierra Leone ("Special Court");

SEISED OF the "Confidential Urgent Defence Motion to Rescind or Vary Protective Measures for Prosecution Witness TF1-334", filed on 10 April 2008 ("Motion"),¹ wherein the Defence requests the complete rescission of protective measures for Witness TF1-334 or their variation by rescinding the order for closed session, on the grounds that circumstances have substantially changed since Witness TF1-334 was initially granted protective measures;²

RECALLING the Trial Chamber's "Order for Expedited Filing in Relation to Defence Motion SCSL-03-01-T-462", dated 10 April ("Expedited Filing Order"), wherein the Trial Chamber ordered expedited time limits for the filing of any response and reply to the Motion;³

NOTING the "Confidential and Urgent Prosecution Response to the Defence Motion to Rescind or Vary Protective Measures for Prosecution Witness TF1-334", filed on 11 April 2008 ("Response"),⁴ wherein the Prosecution does not oppose the application,⁵ because Witness TF1-334, following informed discussion with the Prosecution, waived his protection as he believes that his identity is already widely known, despite the existing protective measures ordered by the Special Court;⁶

NOTING that the Defence did not file a reply;

NOTING the existing protective measures applicable to Witness TF1-334, including the use of pseudonym, voice distortion, screen and closed session for specific portions of his testimony;⁷

CONSIDERING that the Prosecution does not oppose the Motion and that Witness TF1-334 has waived his protection;⁸

PURSUANT to Rules 26bis, 73, 75, 78 and Rule 79 of the Rules of Procedure and Evidence;

HEREBY GRANTS the Motion; and

ORDERS that the prevailing protective measures for Witness TF1-334 be rescinded in their entirety.

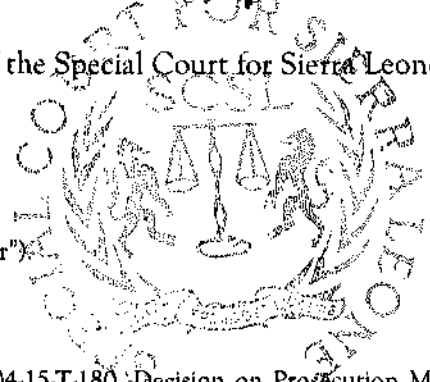
Done at The Hague, The Netherlands, this 14th day of April 2008.

Justice Richard Lussick

Justice Teresa Doherty
Presiding Judge

Justice Julia Sebutinde

[Seal of the Special Court for Sierra Leone]



¹ SCSL-03-01-T-462 ("Motion").

² Motion, para. 1 and Conclusion.

³ SCSL-03-01-T-464 ("Expedited Filing Order").

⁴ SCSL-03-01-T-465 ("Response").

⁵ Response, para. 8.

⁶ Response, para. 6.

⁷ *Prosecutor v. Sesay, Kallon, Gbao*, SCSL-2004-15-T-180, Decision on Prosecution Motion for Modification of Protective Measures for Witnesses, 5 July 2004, *Prosecutor v. Brima, Kamara, Kanu*, SCSL-2004-16-T, Transcript 16 May 2005, pp. 4, Transcript 17 June 2005, pp. 4, 27; *Prosecutor v. Sesay, Kallon, Gbao*, SCSL-2004-15-T, Transcript 5 July 2008, p. 23.

⁸ Response, para. 6.